

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
21G0151

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IN THE MATTER OF	)	
	)	REPRIMAND
HARRY C. MARSH,	)	
ATTORNEY AT LAW	)	

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On October 7, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by W. W. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff’s investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as “reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action.”

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

You undertook to represent B.T. in his dispute with his landlord W.W. On February 24, 2021, W.W. provided B.T. with a notice to enter the premises, which B.T. forwarded to you. You e-mailed W.W. on February 25, 2021 asking her not to enter. On Friday, February 26, 2021, W.W. e-mailed back and stated they would enter the unit at noon the following day. W.W. noted the landlord right of entry was pursuant to the lease and B.T. had been given notice over 24 hours in advance. In subsequent e-mails on February 26, 2021, you and W.W. stated your opposing opinions regarding whether the landlord had the right to enter the premises when the

tenant did not consent. It is in those e-mails that your comments began to become problematic, including stating, “But I don’t think it’s wise to give me a reason to be pissed off.”

On February 27, 2021, the landlord’s agents arrived and demanded entry as W.W. said they would. In your e-mails to W.W. on February 27, 2021, you made the following statements:

1. “I’m grinding my teeth and thinking about how I can be unreasonable.”
2. “An understatement might be that I’m one of the ‘bigger’ attorneys in the area.”
3. “I’m about to be pissed off. That is an understatement.”
4. “Google me. I have 4-5 offices in Charlotte and 16 or so employees. I employ 4 attorneys. Raising my stress level will not result in anything good for any of us. That is my second understatement.”
5. “I’m debating unpleasant things that will cost you a lot of money. . . . This will be personal.”
6. “I am grinding my teeth . . . . I’m trying to stay calm, and failing. This is going to be really, really bad.”
7. “I want apologies and Bruce a happy person, or I’ll take it upon myself to make him a happy person.”

These comments did not serve any purpose in resolving the actual legal dispute. Instead of focusing your comments on the subject matter and maintaining a professional tone, your comments were emotional, you explicitly said you were making this personal, you threatened to be unreasonable, you made a statement that cannot be substantiated about your law practice, and you threatened to engage in “unpleasant things” that would cost W.W. a lot of money. W.W. indicated she felt your e-mails were threatening and intimidating, and she was concerned because, as she stated, the threats seemed “non-litigiously oriented.”

Your comment about being one of the bigger attorneys in the area was a comparison of your services with other lawyers’ services that cannot be factually substantiated and thus is false and misleading in violation of Rule 7.1(a)(3)<sup>1</sup>. Your other statements constituted means having no substantial purpose other than to embarrass, delay, or burden a third person in violation of Rule 4.4(a). As stated in comment [2] to Rule 4.4, “Threats, bullying, harassment, insults, slurs, personal attacks, unfounded personal accusations generally serve no substantial purpose other than to embarrass, delay, or burden others and violate this rule.”

You were served with a letter of notice in this grievance for your response, and your response was due on April 13, 2021. You failed to timely respond to the letter of notice in violation of Rule 8.1(b). You did not respond until May 17, 2021, after being contacted by the State Bar about your failure to respond.


You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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<sup>1</sup> Now Rule 7.1, as of April 21, 2021 amendment.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 12<sup>th</sup> day of November, 2021.

  
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Matthew W. Smith, Chair  
Grievance Committee

MWS/lb